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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 12/31/2008

Hoffman, Wasson & Gitler
2461 South Clark Street
Suite 522
Arlington, VA 22202

EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 12/31/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,704

09/28/2006

Francesco Gueli

A-10199

1806

TITLE OF INVENTION: HORIZONTAL MILLING-BORING MACHINE WITH MOBILE COLUMN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/31/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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7590 12/31/2008

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,704	09/28/2006	Francesco Gueli	A-10199	1806

TITLE OF INVENTION: HORIZONTAL MILLING-BORING MACHINE WITH MOBILE COLUMN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/31/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CADUGAN, ERICA E	3726	409-235000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

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ART UNIT

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/594,704	GUELI ET AL.	
	Examiner	Art Unit	
	Erica E. Cadugan	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to election filed 9/10/2008 and interview of 12/12/08.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>9/28/2006</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>annotated drawings showing approval</u>. |
|--|--|

/Erica E Cadugan/
Primary Examiner
Art Unit: 3726

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steward Gitler on December 12, 2008.

The application has been amended as follows:

The abstract has been amended as follows:

ABSTRACT:

A horizontal milling-boring machine including a horizontal bed anchored to the floor, a column structure supported by the bed and slidable therealong, a slide carriage slidable vertically along said column structure, and a slide supporting the tool head and movable axially to said carriage in a direction perpendicular to the axis of said bed, characterized in that: said bed is monolithic and is separated from the work table,--said column structure is formed as a portal, with two columns connected together by an upper crosspiece and provided lowerly, for their support on the bed, with portions lying external to the opening of said portal, which is delimited laterally by said columns and extends lowerly into proximity with said bed--[said] the slide carriage is slidable along the facing internal walls of said columns,--guide [means] structure and drive [means] structure being interposed between said column structure and said bed.

1 (Currently Amended). A horizontal milling-boring machine comprising:

a monolithic horizontal bed anchored to the floor and separated from [the] a work table,

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a portal formed column structure supported by the bed and slidable therealong along a longitudinal axis of the bed, said portal having two columns connected together by an upper crosspiece,

a slide carriage slidable vertically along [the] facing internal walls of said columns,

a slide supporting a tool head and movable [axially] relative to said carriage along a longitudinal axis of the slide in a direction perpendicular to the longitudinal axis of said bed,

guide means and drive means being interposed between said column structure and said bed, the guide means including rails positioned on an upper surface of the bed,

wherein the two columns of the portal are lowerly connected through at least a crosspiece placed at a level at least partly lower than the lowermost upper surface of said bed, which at least a crosspiece is located outside of the area between the rails.

2 (Currently Amended). The milling-boring machine as claimed in claim 1, wherein the guide means consists of the rails [positioned on the upper surface of said bed].

3 (Currently Amended). The milling-boring machine as claimed in claim 1, wherein the [guide means consist of] drive means is between the rails [positioned on the lateral surfaces of said bed].

4.(Currently Amended) The milling-boring machine as claimed in claim 1, wherein the drive means [consist of at least one screw and at least one threaded bush which mutually engage] include a rack and a pinion.

5(Currently Amended). The milling-boring machine as claimed in claim [4] 1, wherein the drive means consist of a rack rigid with said bed and at least one pinion rigid with said portal.

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6 (Currently Amended). The milling-boring machine as claimed in claim 4, wherein the drive means [consist of a linear electric motor] extend in the direction of the rails.

7 (Currently Amended). The milling-boring machine as claimed in claim [4] [5] 1, wherein the [drive means are positioned on the upper surface of said bed] at least a cross piece extends in the direction of the longitudinal axis of the bed.

8 (Currently Amended). The milling-boring machine as claimed in claim 4, wherein the drive means are positioned [on at least one lateral surface] between a lower surface of the portal formed column structure and an upper surface of the bed.

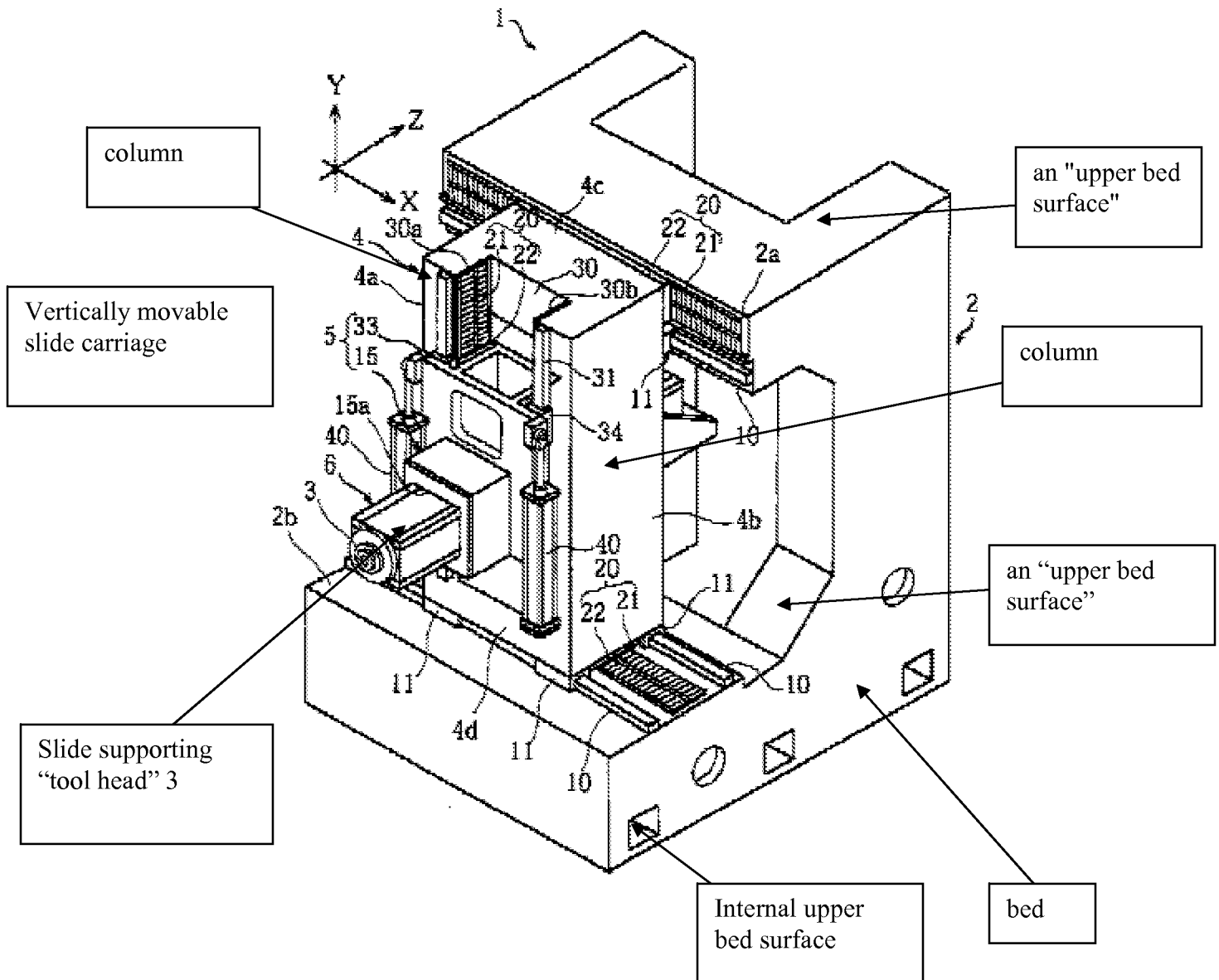

9 (Currently Amended). The milling-boring machine as claimed in claim 1, wherein the at least a crosspiece comprises a pair of crosspieces, and wherein the two columns of the portal formed structure are connected together by [a] the pair of [lower] crosspieces which laterally embrace said bed.

10 (Currently Amended). The milling-boring machine as claimed in claim [8] 1, wherein the guide rails are interposed between [the] outer lateral surfaces of said bed [and the inner lateral surfaces of said lower crosspieces].

11 (Currently Amended). The milling-boring machine as claimed in claim 1, wherein the at least a crosspiece comprises two crosspieces [bed comprises a longitudinal recess within which corresponding lower appendices of each column and a connecting portion thereof are slidably housed, said connecting portion being also slidably along said longitudinal recess].

12 (Currently Amended). The milling-boring machine as claimed in claim 11, wherein the crosspieces extend lower than the guide rails [are interposed between the internal lateral surfaces of said recess and the facing external lateral surfaces of said appendices].

2. The following is an examiner's statement of reasons for allowance:



A reproduction of Figure 1 of JP-10-263960 is shown above, various elements which correspond to claim limitations of present claim 1 being labeled.

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Note that element 3 is a tool spindle, and thus, the machine can be used to perform milling and/or boring. Also note that the spindle rotation axis is horizontal (see Figure 1). The “bed” labeled in the above reproduction of Figure 1 is considered to be “monolithic” in that it is shown in one piece. Additionally, noting that the workpiece would be mounted to some sort of mounting structure or “table” in front of the spindle, which mounting structure would be a separate entity from the shown bed (see Figure 1), the bed is considered to be “separated” from the work table. Also note that the bed has horizontal surfaces and also has horizontally extending portions as shown in Figure 1, and thus, for at least either of those reasons, is considered to be “horizontal”.

Additionally, the element shown as 4 is considered to be a “portal formed column structure supported by the bed and slidable therealong” (along at least guides 10, see Figure 1). The portal 4 has two columns labeled above that are connected together by an “upper crosspiece” (i.e., the element labeled as 30 in Figures 1 and 2).

Re the slide carriage, slide, and spindle or tool head 3, see the above labeled reproduction of Figure 1.

Furthermore, “guide means” in the form of at least guide elements or rails 10 are interposed between the “column structure” and the “bed”, and “drive means” in the form of linear motor 20 are interposed between the “column structure” and the “bed” (see Figure 1). Note that the guide rails 10 are positioned on an upper surface of the bed (see Figure 1).

Additionally, note that the two columns of the portal are connected at the lower portion thereof at at least crosspiece 4d.

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However, the crosspiece 4d does not appear to be placed “at a level at least partly lower than the lowermost upper surface of said bed” as set forth in independent claim 1 (noting that the guide rails 10 are not part of the bed, but are claimed separately as being positioned on an upper surface of the bed).

Alternatively, even considering *arguendo* the internal upper surface of the bed (located below the surface on which the rails 10 are located) to constitute the lowermost upper surface of the bed, the crosspiece 4d is still not “at a level at least partly lower than the lowermost upper surface of said bed” as set forth in claim 1 (see Figure 1).

Furthermore, the crosspiece 4d is not “located outside of the area between the rails” 10 (see Figure 1) as set forth in claim 1.

Furthermore, there is no combinable teaching in the prior art of record that would reasonably and absent impermissible hindsight motivate one having ordinary skill in the art to so modify the teachings of JP ‘960 such that the crosspiece that “lowerly” connects the two columns of the portal is both “located outside of the area between the rails” and “at a level at least partly lower than the lowermost upper surface of said bed” as set forth in independent claim 1, and thus, for at least the foregoing reasoning, JP ‘960 does not render obvious the present invention as set forth in independent claim 1.

The aforescribed prior art being representative of the closest prior art of record, for at least the foregoing reasoning, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. It is noted that the non-elected claims have been amended so as to read on the elected species (to which claim 1 is now drawn), and are thus permitted to be rejoined in their modified form.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474.

The examiner can normally be reached on Monday-Thursday, 5:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erica E Cadugan/
Primary Examiner
Art Unit 3726

eec

December 16, 2008